

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dean A. Ricci and Kimberley I. Ricci,

Case No. 11-cv-03407 (DSD/JJK)

Plaintiffs,

v.

Capital One, N.A.

**Order to Rescind and
Set Aside Foreclosure Sale and to
Dismiss Claims with Prejudice**

Defendant.

Based upon the Stipulation to Rescind and Set Aside Foreclosure Sale and to Dismiss Claims with Prejudice, filed by the parties, Dean A. and Kimberley I. Ricci and Capital One, N.A.,

IT IS HEREBY ORDERED:

1. The foreclosure sale of the property located at 26625 Oakman Ave., Lindstrom, MN 55045, and legally described as:

The South 770 feet of the West 570 feet of the East 1/2 of Northeast 1/4, except the South 385 feet thereof, Section 22, Township 33 North, Range 20 West

as evidenced by the Sheriff's Certificate of Sale and Foreclosure Record, dated November 3, 2011, and recorded November 4, 2011, with the Office of the Chisago County Recorder as document number A-537976; assigned by Capital One, N.A. to Federal National Mortgage Association on January 26, 2012, as evidenced by the Assignment of Sheriff's Certificate of Sale recorded with the Office of the Chisago County Recorder on February 2, 2012, as document number A-541047; and transferred

by Federal National Mortgage Association to Capital One, N.A. on June 15, 2012, as evidenced by the Quit Claim Deed recorded with the Office of the Chisago County Recorder on June 19, 2012, as document number A-545579, is rescinded and set aside.

2. The mortgage incident thereto, dated March 5, 1993, and recorded with the Office of the Chisago County Recorder on March 10, 1993, as document number 248230, assigned to Chevy Chase Bank, FSB, as evidenced by the Assignment of Mortgage recorded with the Office of the Chisago County Recorder on January 9, 1996, as document number 279472, and assigned a second time to Capital One, N.A. as successor in interest to Chevy Chase Bank, FSB, as evidenced by the Assignment of Mortgage recorded with the Office of the Chisago County Recorder on January 5, 2010, as document number A-517733, is reinstated and the power of sale therein is in full force and effect.

3. The rescission and setting aside of the foreclosure sale ordered herein is made without prejudice as to Capital One's ability to commence foreclosure proceedings in the future pursuant to its rights set forth in the mortgage.

4. The Office of the Chisago County Recorder shall accept and is hereby authorized to accept a certified copy of this Order to Rescind and Set Aside Foreclosure Sale and to Dismiss Claims with Prejudice for recording as conclusive evidence of the rescission and setting aside of the above-described foreclosure sale and reinstatement of the Mortgage.

5. The above-captioned matter is dismissed with prejudice and on the merits, and without costs, disbursements, or attorney fees to any party, pursuant to Fed. R. Civ. P. 41(a).

IT IS SO ORDERED.

Dated: July 2, 2012

s/David S. Doty

David S. Doty, Judge
United States District Court